THE PARLIAMENTARIAN;

OR,

PARLIAMENTARY LAW CONDENSED.

BY

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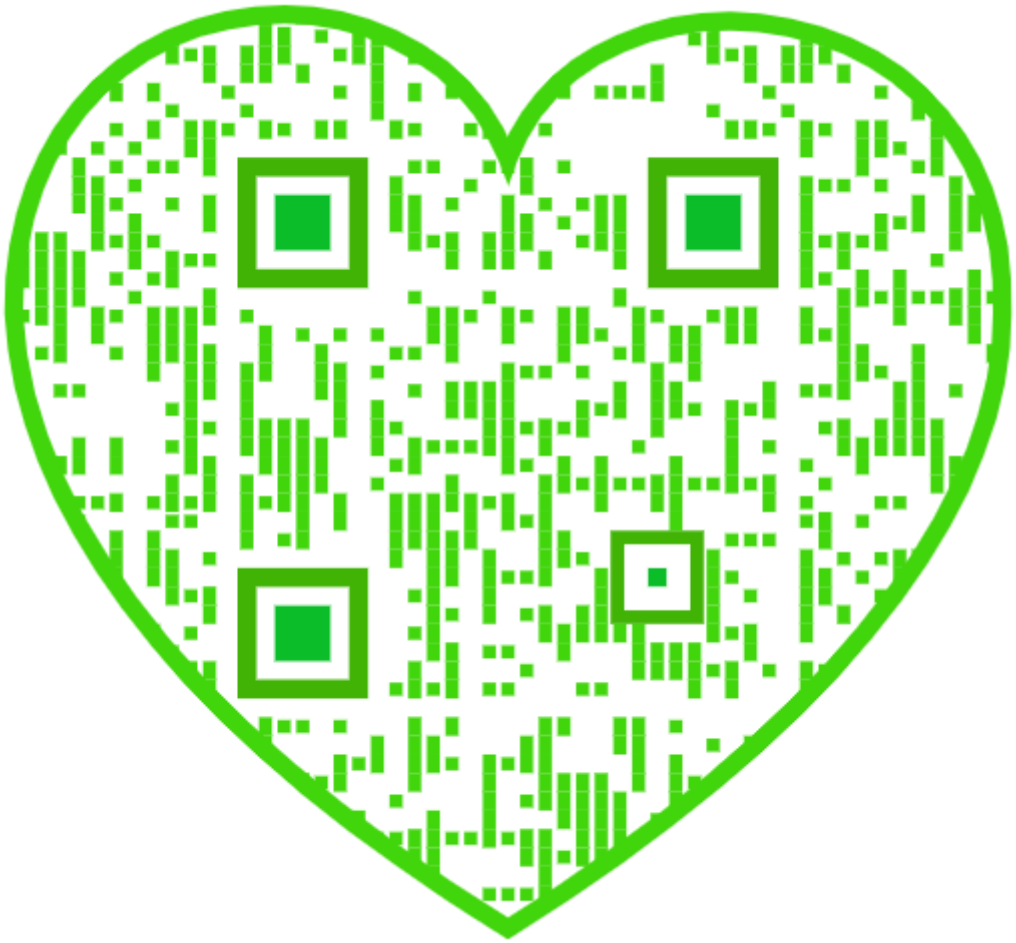
ELEVENTH THOUSAND.

CINCINNATI: JENNINGS AND GRAHAM.
NEW YORK: EATON AND MAINS.

1815
EN



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TO THE

REV. BISHOP CYRUS D. FOSS, D. D., LL. D.,

WHOSE ABILITY AS A

PRESIDING OFFICER

Has been recognized in many lands,

This Manual

OF

PARLIAMENTARY LAW

is respectfully dedicated.

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PREFACE.

"THE PARLIAMENTARIAN" is a brief presentation of the essential principles of parliamentary law.

Though brief, it will probably be sufficient for the needs of most persons; while, for others, it may be an easy introduction to the study of this profound subject.

It is hoped that it may be specially helpful to young people, and to members of ordinary societies, though the principles will apply in all deliberative bodies.

The ready reference table will aid those who must quickly decide points of parliamentary procedure.

T. B. NEELY.

PHILADELPHIA, PA., March 11, 1895.

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THE PARLIAMENTARIAN.

I.

PARLIAMENTARY LAW.

1. The word **parliament** has a Latin root, but it comes into the English through the French language. Words contain histories, and this word shows the influence of the Norman French in building up modern English. When the Normans conquered England, they made their tongue the language of the court; and so traces of their language linger to this day. **Parliament.**

The French word *parler* (pronounced par-la), which means to talk, is the key to the meaning of the word parliament. A parliament is a gathering of people who come together for the purpose of talking about some- **A parliament.**

thing—usually a matter of considerable importance—and for the purpose of reaching a decision. So the supreme law-making body in England, which meets to talk about and to decide the affairs of the nation, is called a parliament.

In the United States of America, the name parliament is seldom applied to such gatherings, but they are spoken of under other titles, such as congress, legislature, and assembly; yet, nevertheless, they are parliamentary bodies.

2. When parliamentary bodies came together, it was necessary to have some **understanding** among the members as to the method of procedure. If all were to talk at the same time, there would be confusion, and the deliberations would be unsatisfactory. Hence, it was agreed that only one could discuss a subject at a time. If one person talked all the time, the others would have no opportunity to express their views; so it was agreed that all should have an

Mutual understanding necessary.

opportunity to speak before any one was permitted to make a second speech on the same question. If differences of opinion arose as to the order of procedure, it was necessary to have some way by which the matter might be decided; and so one was selected to direct the proceedings. To him differences as to order might be submitted, and his decision would stand, unless it was overruled by the body itself.

3. These mutual understandings reached from time to time, gradually became the settled usages of such bodies, and, in course of time, there grew up a certain body of rules, which is known as **common parliamentary law**, and which is respected by all parliamentary gatherings which assemble to deliberate and decide in a formal manner.

Common parliamentary law.

These rules or principles, which govern the proceedings of such bodies, are called parliamentary laws. That which is according to these rules is called parliamentary, or is said to be done in a parliamentary

way; and one who is skilled in the use of these rules, is called a parliamentarian. Though, in the United States, the legislative bodies are not spoken of ordinarily as parliaments, yet they all use the phrase parliamentary law, and kindred phrases.

4. Parliamentary law is the growth of centuries, and is the result of the experience of deliberative bodies. Its development has not yet ended. On the contrary, it is growing all the time, as old conditions pass away and new ones arise. Consequently, parliamentary law is always a fresh study; and to be a good parliamentarian, it is necessary to be a constant student, so that none of these changes may pass unnoticed. The original principles of parliamentary law in the United States were the same as the English; for they were brought from England in the early days. But in the course of generations various changes were made in the usages, owing to changed condi-

Parliamentary law a growth.

Original principles from England.

tions; and the differences have become so decided that there has grown up what may be called American parliamentary law, which is recognized by all bodies, from the Congress down to the humblest meeting.

5. Besides that which is termed common parliamentary law, which is observed by all deliberative bodies, any body may make **special rules** for its own government. Where there are no special rules, or where the special rules do not apply, the body is governed by common parliamentary law, as is the case when a body convenes before it has made special rules of its own.

Special rules.

The following chapters will present some of the fundamental principles of the common law of parliamentary bodies.

II.

ORGANIZATION, OFFICERS, AND MEMBERS.

Organization.

6. No meeting is in a complete parliamentary condition until it is organized. An **organized meeting** implies members and officers. It is partly organized if there is one to preside.

The presiding officer.

7. This **presiding officer** is sometimes called a president, sometimes a speaker, and sometimes a chairman. Other titles are also used, but these are the most common.

The duty of this officer, by whatever name he may be known, is to preside. The great purpose of presiding is to preserve order. Without order, nothing can be properly done. It is his duty, therefore, to see that the members are orderly while the meeting is in progress, and to

see that the business proceeds in an orderly way. Consequently, he may have to give judgment upon questions relating to the conduct of members, or concerning the regularity of any item of business, and his decision will stand, unless, on an appeal, the meeting overturns his ruling. It is also his duty to protect the individual members in their rights, so that the humblest shall not be overborne by others, or even by the whole meeting, contrary to the rules. At the same time he must protect the meeting in its rights as against the whims or mistakes of any number or of all the members.

8. These rights are set forth in the constitution, the by-laws, and common parliamentary law. **Rights and duties.**

The **constitution** should contain the most important and fundamental points, such as are vital to the safe existence of the body, and should not be subject to change, excepting after notice, allowing a considerable interval for **Constitution.**

consideration. The **by-laws** should be based upon and in harmony with the constitution. Common parliamentary law will cover points not specified in the constitution and by-laws.

By-laws.

With all these the presiding officer should be familiar. He should know the rules of his body, and also the common practice of parliamentary bodies. Then he will understand the rights of the members, and the rights of the body itself.

The president.

The president should be dignified, self-possessed, and impartial. If he is not dignified, the meeting is likely to be disorderly. If he is not self-possessed, he is likely to make wrong decisions, and to lack in power of control. If he is not impartial, he will be accused of injustice, and will lose the confidence of the members.

9. If there is a **vice-president**, he will preside in the absence of the president, or when the president leaves the chair

during the course of the meeting. If there are two or more vice-presidents, they will be entitled to preside in the order of their rank. Sometimes the president may call any member to the chair. Vice-president.

10. Next to the president, the most important officer is the **secretary**, clerk, or scribe; for he is called by different titles in different bodies. The secretary.

The chief duty of this officer is to keep the record of the transactions of the meeting. This record is called the **minutes**, or the journal. It states where and when the meeting was held, and who presided, and gives a brief history of what was done, the things done being entered according to the order in which they occurred. It is not proper for the secretary to make comments upon what was done, or upon those who did them; but simply to narrate, briefly and clearly, what occurred. He should, for example, give the motions, the names of the movers, The journal.

and the action of the body upon the propositions. To this written record he should append his signature. The secretary has also other duties, such as calling the roll and marking the attendance, and reading various papers.

11. Where money is handled, it is usual to have a **treasurer,** who is the custodian of the funds. Sometimes a secretary receives the payments, and the gross amount is paid the treasurer. Sometimes the payments are made directly to the treasurer. The treasurer pays out as directed by the society. Receipts should always be given and taken, so as to avoid mistakes.

The treasurer.

12. The members should help preserve orderliness in the meeting—first, by being orderly themselves; and, second, by inducing others to be orderly through example and word; and, in some instances, by insisting that the law be observed. The members, therefore, should

Duties of members.

know the rules. They should also show respect for the chairman, usually giving his rulings the benefit of the doubt, and objecting only when principle or the necessity of the law requires such a course. Even then there should be a kind and deferential manner toward the chair. Each member should also have a profound regard for the rights of other members, and, in his treatment of them, should manifest a gentle and conciliatory spirit.

III.

ORDER OF BUSINESS.

13. Organized bodies have an established order for the transaction of their business. This order is usually specified in the by-laws. The fixed order saves time, and avoids disputes as to precedence. The usual **order of business** is as follows:

Order of business.

1. Calling the meeting to order.
2. Calling the roll.
3. Reading and considering the minutes of the previous meeting.
4. Receptions of reports from standing committees.
5. Receptions of reports from select or special committees.
6. Reception of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

The law of the body should designate the time and place for the meetings.

14. When the time arrives for **opening the meeting**, the president will take the chair, and call the meeting to order. This he may do by rapping with his gavel, and saying, "The meeting will please come to order;" or, "The meeting will be in order." **Opening the meeting.**

If the president is not at hand, a vice-president will take his place and open the meeting. If there is neither president nor vice-president to perform this function, then it will be in order for the secretary to call the body to order, and at once secure the election of a **chairman pro tempore**—that is, for the time; and this chairman shall perform the duties of president until a president or vice-president comes in. **Chairman pro tempore.**

In religious meetings, there are usually devotional exercises at the opening.

15. When the meeting has been opened, it is usual for the chair to say: "The sec-

retary will call the roll." **The roll** is called in order that the attendance may be marked, and also to ascertain whether there is a quorum. The existence of a quorum may also be ascertained by counting the members present.

Roll-call.

16. A **quorum** is the number of members required to transact business. Usually the constitution fixes the number. Sometimes it is two-thirds the entire membership; sometimes it is a mere majority; and sometimes it is a number less than a majority. The object of the quorum-rule is to prevent a very small number taking advantage of the absence of the others, and transacting business without the knowledge or consent of the majority. On the other hand, in order to insure the transaction of the necessary business, even when a majority is not present, many bodies designate a minority, and frequently quite a small minority, as a quorum.

Quorum.

If the rules of the body do not specify

the number constituting a quorum, then the quorum will be a majority of the whole membership. If there is not a quorum present, the meeting can not proceed to the transaction of any business. It may tarry awhile for the appearance of a quorum; but if no quorum appears, then all the meeting can do is to adjourn. If at any time during the progress of a meeting it is found that there is no quorum, then no business can be transacted. If the point of no quorum is raised, there may be a **call of the house**; that is to say, the roll shall be called, in order to ascertain whether there is a quorum. The presence of a quorum may also be ascertained by counting the members who are present.

Effect of no quorum.

Call of the house.

If there is a quorum present, then the chair will call up the various items of business in their order.

17. The first business is passing upon the accuracy of the **minutes** of the last meeting. The chair will say: "The sec-

retary will read the minutes." After the clerk has read the journal, the chair will say: "If there is no objection, the minutes will stand approved as read." If no error is suggested, the chair will say: "There being no objection, the minutes are approved." If an error is alleged to exist in the record, the meeting will decide as to what is correct.

Approving the minutes.

18. The reception of **reports** and communications is brought up early, because they may contain important information which may be useful in the subsequent deliberations of the body.

Reception of reports.

The chair may say, "Are there any reports from officers?" naming the officers who should report. Reaching the item of reports from committees, he will call the list and say, "Is the committee on —— ready to report?" or he may have the clerk call the names of the committees. Final action on the reports, however, need not be taken at that time.

19. Unfinished business is something that was previously under consideration, but upon which action was not completed. It may have passed over by postponement or adjournment. A question suspended by adjournment, when it comes up again, is taken up just at the stage reached when it was interrupted. **Unfinished business.**

20. The phrase, "**new business,**" is suggestive of the items which it covers. It means something new, or not unfinished. **New business.**

21. As will be seen hereafter, the **rules** of order may be **suspended**, and business may be taken up out of the regular order by action of the meeting. **Suspension of rules.**

22. When it is desired to consider an item of business on a certain day and at a particular hour, the meeting may make it the **order of the day** for that day and hour; and when the time arrives, it will, according to the previous **Order of the day.**

order, come up as the business to be considered at that time.

23. In order to introduce business, or to address the meeting, the member must address the chair and secure **recognition.** He must arise and pronounce the title of the presiding officer. Thus he may say, "Mr. President!" or, "Mr. Chairman!" The chair recognizes him by a declaration or sign which indicates recognition. Thus the chair may say, "Mr. ——;" or, "The member from ——," designating the section from which he comes. This is called getting or obtaining the floor. When thus recognized, the member is said to have the floor; that is to say, he has the right to occupy the floor for the purpose of addressing the meeting.

Obtaining the floor.

24. Meetings are regular, special, or adjourned. The regular meeting meets at stated times, according to the law of the body. A special meeting is called by the presi-

Meetings—regular, special, and adjourned.

dent, or a certain number of the members. For this kind of meeting, notice must be given to the members, and the business should be limited to the object stated in the call. An adjourned meeting is a continuation of either the regular or special meeting by which it was ordered, and may take up any business which could have been properly considered at the meeting of which it is the continuation.

IV.

MOTIONS AND VOTING.

25. Before a parliamentary body can decide any measure, it must be formally proposed. This formal proposition is called a **motion**. The member who presents the proposition says, "I move," etc. Before making a motion, he must obtain the floor, as before stated. Having been recognized, the member says, "Mr. President, I move," etc.

Making a motion.

26. In common parliamentary practice, a motion can not be acted upon until it has been **seconded**. This means that a second person formally signifies his desire to have the proposition considered. The second party proclaims that he favors the consideration by saying: "I second the motion." Strictly speaking, the member on the floor should arise,

Seconding.

address the chair, and obtain recognition, just as the mover was compelled to do. It is held that a chairman, who is a member of the body, may tacitly second—that is to say, he need not wait for a second from the floor; but he is not compelled to entertain a motion that is not so seconded.

27. All motions, excepting those which are of a simple, routine character, should be reduced to **writing.** If the motion is not long, the secretary may take it down. It must be reduced to writing by the mover, when demanded by the chair or by any member. Principal motions should generally be in writing. Minor motions, of a simple nature, need not be in writing, as they are easily understood, and have a general uniformity of wording.

Motions reduced to writing.

28. A more elaborate form of motion or proposition is called a **resolution.** It begins with the word "Resolved." Sometimes the proposition consists of two or

more resolutions. Frequently they are preceded by a preamble, which begins with the word "Whereas," and recites reasons for the resolution or resolutions.

Resolutions and preamble.

29. When a motion or resolution has been duly presented and seconded, it is the duty of the chair to "**state the question**;" that is, to state to the house what proposition is before it for consideration. Until then, discussion as to the merits of the proposition is not in order.

Stating the question.

30. A decision of the body upon a proposition is reached by a **vote.** Generally, it is by a voice vote. In that case, the chair will say, "As many as favor the motion," or, "All who are in favor of the motion, will please say aye." After waiting for the responses, he will say, "Those who are opposed to the motion will say no."

Putting the question.

This is called "**putting the question.**"

31. The chair listens to the responses, and tries to determine by the **voices** whether more vote on one side or the other. If he believes a majority voted on the affirmative side, he will say, "The ayes appear to have it;" and if there is no dissent, he will say, "The ayes have it;" and the motion (or resolution) is adopted.

Deciding the question: voice vote.

Sometimes votes are given by the uplifted **hand.** Then the chair may say, "Those in favor of the resolution will raise their hand," etc. In this instance, the chair will observe and endeavor to determine which side has the majority of hands.

Hand vote.

32. If a member thinks the chair is mistaken in his judgment, or if he desires to have an exact enumeration of the votes, he may call for a **division** by saying, "Mr. President, I call for a division of the house;" or, "I call for a division." Whereupon the chair will say: "A division is called for; those in

Division of the house.

favor of the motion will rise and stand until counted." After they have been counted, he will say, "Those opposed will rise and stand until counted;" or, "The ayes will be seated and the noes will rise."

Sometimes the chair counts; sometimes a clerk counts. To avoid mistakes, it is well for two to count, and then compare the result. The chair will announce the vote, and decide accordingly.

If the chair is doubtful as to the voice or hand vote, he has a right thus to divide the house without a demand from a member.

By tellers.

There is also a division by **tellers**, which is not common in ordinary societies. In this case, the members on the affirmative, followed by the negative, pass between two tellers, and are by them counted.

33. A still more accurate way of voting is by recording the **yeas and nays.** A member may obtain the floor, and say: "I call for the yeas and nays." In some

bodies, the call is made on the request of a single member. Some designate a small minority as requisite. The Constitution of the United States requires this vote in Congress "at the desire of one-fifth of those present." There can be no question as to the right of a majority to order it in any body.

Yeas and nays.

If the yeas and nays are ordered, the chair will say: "As many as are in favor, will, when their names are called, say yea (or aye), and those opposed will say nay (or no). The secretary will call the roll."

The secretary, having an alphabetical list of the members, calls the names in regular order, and marks the roll according to the responses of the members, whether yea or nay. Upon the count of the ayes and noes the chair renders his decision. A member may change his vote before the decision is announced.

After the ordinary vote, a member may call for a division of the house; and then, after that count vote, may demand the yeas and nays.

34. Another form of voting is by **ballot.** This is seldom used, except in electing officers and members in most bodies. The ballot is literally a ball. In some societies, black and white balls are used, particularly in the election of members. White is for, and black against; so the rejected candidate is said to have been blackballed. Generally, the ballot is a slip of paper, or a piece of card, on which the vote is written or printed. Persons called **tellers** are appointed to collect and count the ballots. Sometimes the counting is done in the open meeting. Sometimes the tellers are permitted to retire to make the count. Having counted, they make their report, giving the whole number of votes, the number necessary to elect or adopt, and the respective votes. Upon the reception of this report, the chair announces the result. The ballots should be preserved by the tellers, and placed in the custody of the body itself.

Balloting.

Tellers.

35. The **presiding officer**, if a member of the body, has the same right to vote as any other member; but, except- ing on a ballot, he **votes** only when his vote will change the result. If the vote of the meeting is a tie—that is to say, both sides are equal—the chair gives what is called the casting vote; and his vote, on the one side or the other, determines the action. If his vote will make a tie, he may give it for that purpose. This destroys the majority, and causes the question to be lost. When a particular vote is required—say a two-thirds vote—and the vote of the chairman will make or break the requisite proportion, he may vote in order to do so. On a ballot, the chair should vote with the other members. Having voted once, he can not vote again, even if there is a tie.

Presiding officer's vote

36. There may be not only a "division of the house," but also a "**division of the question.**" If the proposition before the house be divisible into two or more dis-

tinct parts, capable of standing by themselves, a member may arise and say, "I call for a division of the question," indicating at what point the division is to be made.

Division of the question.

It is within the power of the majority to say whether the question shall be divided, though it is usual, by common consent, to grant the division upon the request of a single member. In the House of Representatives of the United States, any member may demand a division. The chair may decide whether the question is divisible as suggested, but this decision is subject to review by the house.

V.

AMENDMENTS.

37. When a motion or resolution is not in a satisfactory form, it may be mended or modified. This is brought about by moving an **amendment**, which is a proposition to amend, or to make a change in the motion. Amendment.

The member who desires to modify the motion must obtain the floor, as in other cases. Then he will say, "I move to amend the motion (or resolution) as follows;" or, "I move the following amendment," stating what it is. The motion to amend must be seconded in the same manner as the original motion to which it relates.

38. When another motion bears upon the original motion, the original or pri-

mary motion is called the **main question,** and the motion bearing upon the principal motion is called a subsidiary motion.

The main question.

39. The common **rule in voting,** when two or more questions are before the meeting, is that the last motion made is the first motion put.

Order of voting on amendments.

Thus, in moving, the order is:

1. The original or main question.
2. The amendment to the main question.

The order of voting will be:

1. Upon agreeing to the amendment.
2. Upon the adoption of the main question as amended or not amended.

A deciding vote on the main question can not be taken until there is a vote for or against the amendment.

40. Amendments must not be of a different **subject** from that contained in the main question or original motion. In other words, they must be **germane.**

Amendments must be germane.

41. Amendments are of three **forms:**

1. To strike out.
2. To insert or add.
3. To strike out and insert.

Forms of amendment.

A motion to amend by the transposition of words is of the same nature as striking out and inserting; for it means to strike out the words from one place, and insert them in another.

42. It is not proper to entertain two **amendments** to the main question at the same time; but after the first amendment has been decided, it will be **in order** to move another amendment, and so on indefinitely.

Number of amendments.

It is in order, however, to move an **amendment to an amendment.** In that case, the same principles will apply to the amendment to the amendment as would apply to the amendment; for the amendment to the amendment bears the same relation to the amendment as an amendment does to the main question. The motion to amend the amendment must be decided before action can be taken on the

amendment. When it is disposed of, another motion to amend the amendment may be made, just as in the case of ordinary amendments.

43. The **order of voting**, when there is an amendment to an amendment, will be:

Order of voting when there is an amendment to an amendment.

1. On the motion to amend the amendment.

2. On the motion to amend as amended or not amended.

3. On the main question or original motion as amended or not amended.

The chair will say, "The question is upon the motion to amend the amendment; all in favor will say aye," etc. If it is agreed to, then the chair will say, "The question is upon the motion to amend as amended; all in favor," etc. Then he will say, "The question recurs upon the original motion as amended (or not amended)," etc.

Agreeing and adopting.

44. The word **agree** is applied to amendments; the word

adopt, to the original motion. The assembly agrees to an amendment, but adopts a motion or resolution.

45. When the amendments have been cleared away, other amendments may be offered in order, until a point is reached where the meeting is ready to vote on the main question. But at no time can there be more than **one amendment** and an amendment to an amendment actually before the body at the same time. An amendment to an amendment is sometimes spoken of as an amendment of the second degree. In the matter of amendments, this is the limit to which the meeting may go. **Limit of amendments.**

46. In recent practice, a custom has grown up which allows the presentation of a **substitute** for the main question, or primary motion or resolution. **Substitutes.**

In presenting the substitute, it is not good form to say, "I move, as a substitute

for all that precedes, or all that is before the house," etc. The substitute is proposed really to take the place of the main question, as it may or may not be amended. It is sufficient to say, "I move, as a substitute, the following," etc.

An amendment to the substitute is permitted, but not an amendment to that amendment.

It is, therefore, possible to have before the meeting, at the same time, five motions; namely:

1. The main question.
2. The amendment.
3. An amendment to the amendment.
4. The substitute.
5. An amendment to the substitute.

Order of voting when there is a substitute.

47. Though it is a general rule that the last motion made is the first put, the above situation is a seeming exception; for it is not good form to begin by voting on the substitute, or the amendment to the substitute. This has been done sometimes by those

who regard the substitute as a substitute for all that precedes; or, as is sometimes said, "for all before the house," which is an erroneous theory.

The substitute itself is of the nature of an amendment to the main question, and must stand aside until the amendments to the main question have been decided.

The **order of voting**, therefore, in such a case as has been supposed, will be:

1. On the amendment to the amendment.

2. On the amendment as amended or not amended.

When all the amendments to the main question have been decided, the meeting then turns to the substitute and its amendments. Then the vote would be:

3. Upon the amendment to the substitute.

That takes away all the amendments to the main question and the substitute. When all the proposed amendments have been incorporated or eliminated, there remain simply two propositions; namely, the

main question and the substitute. Then the vote will be:

4. Upon agreeing to the substitute.

If the substitution is agreed to, the substitute takes the place of the original motion, and becomes the main question. Then the vote will be:

5. On the adoption of the main question as amended by the substitute. If the substitute has not been agreed to, then the vote is simply on the adoption of the original motion, as it stood after deciding the amendments. A **substitute** may be offered when there are no intervening amendments, and then the process will be the same, only there are no amendments upon which to vote.

A substitute without other amendments.

VI.

KINDS OF MOTIONS.

48. After a motion or resolution, which we call the principal or original motion, or the main question, has been offered, other motions bearing upon the principal motion may be made. These are called **subsidiary**, or secondary, motions. Subsidiary motions.

The most common subsidiary motions are of an amendatory character, such as have been treated under the head of amendments. Amendatory.

49. There are other subsidiary motions, the purpose of which is to delay or defer action. These may be called **dilatory motions**, using the word in a good sense. Dilatory.

50. One is the motion to **lay on the table.** If this is agreed to, the considera-

tion of the question before the body is suspended until the body decides to renew the consideration on a motion to take from the table. Laying on the table is a temporary disposition, and not a final action; for anything laid on the table may be taken from it. Anything laid on the table is kept within the direct control of the body.

To lay on the table, and to take from the table.

51. If an **amendment is laid on the table,** the questions connnected with the amendment are likewise tabled. It is, therefore, not proper to lay an amendment on the table, and then proceed to decide the main question. If it is desired to get rid of the amendment, and then consider the main question, the proper form is to squarely decide the amendment by adopting or rejecting it. There are a few seeming **exceptions** to the principle just presented. Thus, if a motion to amend the minutes is laid on the table, it does not carry the minutes with it. If the

Effect of laying an amendment on the table.

Exceptions.

motion to reconsider is laid upon the table, the original question is not affected; and an appeal laid on the table, does not carry with it the original subject. When a question is taken from the table, it comes up just as it was when laid thereon.

52. The motion to **postpone** to a certain time, if agreed to, carries the consideration of the question over until the time specified. This motion may be used when the body wishes to consider some other matter, when it requires more time for reflection, or when it desires to secure further information. It fixes a time for the consideration of the question, and when that time arrives, the question comes up in order.

To postpone to a day certain.

53. The motion to **indefinitely postpone** looks like a dilatory motion; but it is really declinatory, and, if agreed to, means that the body declines to consider the question at that session. The title of the motion

To indefinitely postpone.

is technical, and is to be understood according to its parliamentary use. The form should be, "I move to indefinitely postpone;" or, "that it be indefinitely postponed."

54. The motion to **commit** or **refer** is another method of delaying action; but the intention is to facilitate the work of the body by intrusting the matter to a committee to study the case, or to digest the details, so that the body may thus secure fuller information, or have the matter put in better shape.

To refer.

55. The **previous question** is used for the purpose of closing the debate on the question. The title is rather confusing; but, in present practice, it means that the discussion shall now end.

The previous question.

In demanding the previous question, the member says, "I call for the previous question;" or, "I move the previous question." When the chair states it, he says,

"The previous question has been demanded; as many as favor the ordering of the previous question," etc.; or, "Shall the main question be now put?" The latter is the older form.

If the previous question is ordered, the debate ceases and action proceeds, and some disposition of the question is reached.

The previous question may be limited to an amendment, or may cover the main question, and all connected with it. All the above are subsidiary questions.

56. Incidental questions are those which arise incidentally during the consideration of other questions. Questions of order, suspension of the rules, division of the question, withdrawal of motions, the reading of papers, and questions as to the method of consideration, belong to this class. The most important of these are questions of order. **Incidental questions.**

57. If a member deems anything a violation of the rules of the body, or contrary

to good parliamentary practice, he may address the chair and say: "I rise to a **point of order.**" The chair will say: "The member will state his point of order." The point having been stated, the chair will decide. If not satisfied with the ruling, any member may **appeal** to the house from the decision of the chair. In doing so, he may say: "I respectfully appeal from the decision of the chair." In putting the question, the chair may say: "Shall the decision of the chair stand as the judgment of the house?" or, "Shall the decision of the chair be sustained?" If it is not sustained, the decision of the chair is overruled, and the point made by the member stands as the ruling to govern the presiding officer and the house. A tie vote sustains the chair.

Questions of order.

58. Then there is a class of questions called **privileged questions.** They are so called because privileges are accorded them which are not per-

Privileged questions.

mitted other motions; for example, they may be presented, no matter what other kinds of motions may be before the assembly. They are presumed to be questions of immediate importance, or motions of necessity. They are the motion to adjourn, to fix the time to which to adjourn, and questions of privilege—first, those affecting the rights of the body; and, second, those affecting the rights of members as members.

59. The motion to **adjourn** is almost always in order; but it is not in order while a member has the floor, unless the member yields for that purpose. It can not be made while the yeas and nays are being called, or during the taking of a vote; and it can not interrupt the verification of a vote. It can not be made when the previous question has been called and sustained, and is still pending. If the motion to adjourn has been negatived, it can not be renewed, unless business or debate has intervened.

Motion to adjourn.

Even after the motion to adjourn has been voted upon, but before the chair announces the result of the vote, it will be in order to move to **fix the time to which to adjourn.** It is urgent, because the continued existence of the body may depend upon it.

To fix the time to which to adjourn.

The motion to take a **recess** is akin to the motion to adjourn. Sometimes it is highly privileged.

Recess.

60. An action may be reopened and consideration renewed by a motion to **reconsider.** This motion can be made only by one who voted on the prevailing side, which may be either affirmative or negative. It is not in order to reconsider the motion to adjourn, to lay on the table when agreed to, to suspend the rules, or the motion to reconsider. If the motion to reconsider is agreed to, the question stands as though no vote had been taken.

Reconsideration.

VII.

SPECIAL POINTS AND EXCEPTIONS.

61. Discussion is one of the principal objects of a deliberative body. The body considers in order that it may intelligently decide. Hence, nearly all **questions** are **debatable.** Debatable questions.

It may be laid down as a rule that principal motions or main questions are debatable. Amendments are debatable, though, as far as possible, the debate should be limited to the question of amendment. The motion to postpone indefinitely is debatable in the highest degree. The motion to commit, refer, or recommit, opens the whole question to debate. The motion to postpone to a day certain, or to a certain time, is debatable, but the debate is on the propriety of postponing.

62. The motion to lay on the table or to take from the table is **not debatable;**

neither is the previous question. Incidental questions, generally, are not debatable; but an appeal is debatable, excepting after the previous question has been ordered, or when the question is as to a point of decorum, as to a violation of the rules of speaking, or as to priority of business. The motion for the suspension of the rules is not debatable.

Undebatable questions.

63. The unqualified motion to adjourn is not **debatable.** When the motion to fix the time to which to adjourn is privileged—that is to say, when another question is before the body—it is **undebatable.** When used as an original motion, it is debatable.

Sometimes debatable.

The motion to reconsider an undebatable question is itself undebatable. The motion to reconsider a debatable question, which had been decided under the previous question, is debatable. Under a motion to reconsider a debatable question, the merits of the main question may be discussed.

64. The following motions **can not be reconsidered:** To adjourn, to reconsider, and to suspend the rules. An affirmative vote on the motion to lay on the table or to take from the table can not be reconsidered. The previous question may be reconsidered before the main question has been put, but not after it has been partly executed. Can not be reconsidered.

65. The following **can not be amended:** To adjourn; an amendment to an amendment; to lay on the table or to take from the table; to postpone indefinitely; the previous question; to reconsider; an appeal; to suspend the rules; a motion for the orders of the day; to take up a question out of its order; reading of papers; and incidental questions generally. Can not be amended.

66. The **previous question,** applied to motions to postpone, does not affect the principal motion. It exhausts itself on the question of postponement. It is also exhausted by Effect of previous question.

an affirmative vote on a motion to refer. No subsidiary motion can be applied to the previous question; but after the previous question has been ordered, the motion to lay on the table, or a motion to commit or recommit, may be made. In such a case, under the operation of the previous question, the question of committal would not be debatable. There may, also, be a division of the question after the previous question has been ordered.

Motions in order after the previous question.

67. The requisite vote to decide a question is nearly always a mere **majority vote**; that is to say, at least one more than one-half. In common parliamentary practice, some exceptions have grown up. Thus, to suspend the rules requires a **two-thirds vote.** To fix a special order of the day, if it interferes with the regular order; and the motion to take up a question out of its proper order, for a similar reason, requires a two-thirds vote. A motion to amend the con-

Requisite votes: majority, two-thirds.

stitution, by-laws, or rules, should have the same vote. To order the previous question requires a two-thirds vote; and a motion to close or to limit debate should have a similar vote.

68. It used to be held that after a motion had been made, seconded, and stated by the chair—or, in other words, was in the possession of the house—it could not be withdrawn without the consent of the body; but later practice follows the long-established rule of the United States House of Representatives, that the mover **may withdraw** a motion at any time before decision or amendment, but not after the previous question has been ordered. **Withdrawal of a motion.**

VIII.

COMMITTEES AND REPORTS.

69. A **committee** consists of one or more persons, to whom the body intrusts the work of inquiry, or the consideration of a matter prior to action by the body itself. The committee is supposed to gather and digest facts, and formulate proposed action.

A committee.

70. The **ordering** of committees, and the assignment of members on committees, naturally belong to the house itself. The chair has no right to designate the members of a committee unless the body has empowered him so to do, either by putting a provision to that effect into the laws of the body, or by a special vote that he shall have such power.

Creation of committees.

71. There may be various **kinds of committees.** Commonly, there are two kinds; namely, standing committees, and select or special committees. A **standing committee** is a permanent committee on a given subject. It stands throughout the session or term, and considers something of continuous interest. It is usually provided for in the law of the body. A **select** or special committee is one created for a special purpose, and is more temporary in its nature. It is selected to consider that which demands passing and, perhaps, unanticipated attention.

Kinds of committees.

Standing committees.

Select committees.

72. Unless the body gives directions, a committee may determine the **time and place of its sittings;** but a committee can not sit while the main body is in session, unless leave is granted by the body.

Time of sitting.

73. The body may specifically designate the **chairman of a committee.** If this is

not done, the first named on the committee is not chairman; but upon him devolves the duty of calling the committee together and seeing that it is organized. If he fails to call the committee, the next in order may do so. When the committee convenes, it can elect its own chairman, as well as secretary and other officers.

The chairman of committee.

74. The **quorum of a committee** may be fixed by the main body; otherwise, a majority will be the quorum.

The quorum of committee.

75. The **business in committee** proceeds according to general parliamentary principles; but more latitude is allowed than in the assembly itself. The action of a committee is the action of the majority, and must be taken at an actual meeting of the committee.

Rules governing committee.

Action of committee.

76. In committee, the **motion to rise** corresponds to the motion to adjourn in

the main body. The assembly convenes and adjourns; a committee sits and rises. Hence, the rules which apply to the motion to adjourn also apply to the motion to rise. **Committee rises.**

77. The **report** should be **in writing,** formally addressed to the body, and duly signed. **The report.**

78. The right of **presenting the report** belongs to the chairman of the committee, unless the committee has designated another member for that purpose. The chairman, or designated member, obtains the floor in the main body at the proper time, and states that the committee is prepared to present its report. If the report is presented at the proper time, it is usually **received** as a matter of course, without any motion to receive. If it is presented at another time, or when there is objection, affirmative action on a motion to receive the report may be necessary. When a re- **Presenting the report.** **Reception of report.**

port has been presented and read, it has already been received; and, therefore, after that, a motion to receive is superfluous.

79. Action upon the report is then in order; and it may be amended, approved, accepted, adopted, rejected, recommitted, or treated as any other proposition or resolution. To accept and adopt a report are practically the same. If the report simply conveys information, it is good form to "accept the report;" if it contains recommendations, it will be proper to "agree to the recommendations;" if it contains resolutions, it will be in order to "adopt."

Action on the report.

80. Minority reports are common, though a minority of a committee can not present a minority report as a matter of right. The proper form is to move it as a substitute for the committee's report.

Minority reports.

81. When a select or special committee makes its full report, the **committee ceases**

to exist without a vote to discharge it. A standing committee continues to the end of the term, no matter how many reports it may make.

When a committee ceases to exist.

82. A subject may be withdrawn from a committee by a motion **discharging the committee** from further consideration of the matter.

Withdrawing from committee.

83. Another kind of committee is the **committee of the whole.** This exists when the whole body has resolved itself into a committee consisting of all the members of the body. It then acts as a committee and reports to the assembly, very much as would a committee composed of a smaller number of members.

Committee of the whole.

It is usual for the presiding officer of the assembly to name the chairman of the committee of the whole; but the committee may elect its own chairman. This committee sits in the same place as the assembly.

During its deliberations, the previous question can not be moved, the yeas and nays can not be called, and a motion to postpone can not be made. The committee of the whole can not refer any matter to a subcommittee. It can not limit debate, and any member can speak as often as he can get the floor. If there is not a quorum present, the committee must rise and report the fact to the house. The only motions that can be made in this form of committee are to amend, adopt, and rise and report.

Committee of the whole.

Ordinary societies do not generally use this method of action through the committee of the whole; but they have a perfect right to do so, and now and then may find it to their advantage.

IX.

ORGANIZING AND ELECTING.

84. In **organizing a meeting** called for the first time, it is necessary that some one shall assume the responsibility of calling it to order, and securing the election of a chairman. This responsibility naturally belongs to one identified with the call. Such a person should arise and address the gathering, and then propose some one to act as chairman, or invite those in the meeting to nominate a chairman. **Organizing.**

85. Nominations do not need a second. When one has been nominated, the party who has called the meeting to order will put the nomination to vote. If the person named is elected, he will come forward and preside over the deliberations. His first duty will be to ask that a secretary be nominated. When **Nominations.**

a secretary has been elected, the meeting will be sufficiently organized to proceed to business.

86. In ordinary meetings, this may be all the **organization** necessary; but in conventions, and other large and important meetings, something further may be desired. In such a case, this would be called a **temporary** organization, which would be followed by a **permanent** organization.

Temporary and permanent organization.

87. If it is a delegated meeting, it is usual to appoint a **committee on credentials,** to receive and examine the certificates of election, and report to the assembly. If it is a called meeting, and meets in response to a general call, there is no need of a committee on credentials; for all who assemble are members.

Committee on credentials.

88. In such a body, it is also customary to appoint a **committee on permanent or-**

ganization, to present nominations of permanent officers. Sometimes the assembly votes to make the temporary organization the permanent one. In that case, the original officers continue to act; but if the meeting elects other officers for the permanent organization, then the officers of the temporary organization yield to those elected as permanent.

Committee on permanent organization.

89. The power of a **nominating committee** is limited to the work of reporting nominations. Generally speaking, it is well for the nominating committee, in an ordinary society, to suggest more than one name for an office, though it is not compelled to do so, unless it is so required by the law governing the body. The committee, however, can not limit the body to its nominations, especially when there is only one nomination for an office; for that would make the committee the determining body, whereas its duty is simply suggestive. The meet-

The nominating committee—its power.

ing is free to amend the report by adding or inserting other names, according to its pleasure.

90. Elections are usually by ballot. The ballot gives a freedom to the member that does not belong to any other form of voting. The **ballot** is a secret vote, and this secrecy is especially valuable in the election of those who are to govern or represent the members.

Elections by ballot.

91. Where the law calls for an election by ballot, it is not legal to elect by **acclamation**; that is to say, by a voice vote—a method which sometimes means a shout. Neither is it legal, even when only one name is presented, to move that the secretary cast the ballot of the meeting for the person named. In this sense, there is no ballot of the meeting or for the meeting. The ballot is each individual member's; and no election by ballot is legal unless each qualified voter has had his opportunity to cast his

Acclamation not legal.

individual secret ballot. The very essence of the ballot is secrecy, and this is violated when the secretary, or any other person, casts a ballot as "the vote of the meeting;" for that is not secret, but open. Further, in a ballot election, a member is at liberty to vote for one not in open nomination. It is possible, therefore, for a person who has not been formally nominated to receive votes, and, receiving a sufficient number of votes, to be elected.

Each individual must have an opportunity to cast his secret ballot.

92. When the meeting is ready to vote, the meeting will elect, or, if the rules direct, the chair will appoint, a sufficient number of **tellers** to collect and count the ballots.

Tellers.

93. On the ballots should appear the name of the person or the names of the persons voted for. It is well, also, to indicate the title of the office, especially when persons for different offices are voted for on the same ballot.

Contents of ballots.

94. When all appear to have deposited their ballots, the chair may say: "Have all voted who desire?" If all have voted, then the tellers will make their **count**. This they may do in the open meeting, if that is desired, or they may be permitted to retire and count.

Counting ballots.

Blank ballots are not counted in making up the result. In determining a ballot, the evident intention of the voter should be taken.

Blanks not counted.

95. In making up the **tellers' report**, the tellers should state:

Form of election report.

1. The total number of ballots cast.

2. The number necessary to a choice.

3. The number of votes received by the person or persons voted for.

4. The names of those who have received the requisite number of votes in their order.

5. The number of blank ballots.

96. The **report** is to be **represented** very much as a commit-

Tellers' report.

tee would present its report. The report having been read, the presiding officer will announce who have been elected.

97. An **election can not be reconsidered**; but it may be annulled because of fraud, or corrected because of error.

Elections not to be reconsidered.

98. The **ballots** should be carefully **preserved**, and placed in the custody of the meeting, and subject to its order. Their preservation may enable the body to settle disputes as to the accuracy of the count.

Ballots to be preserved.

X.

DEBATE.

99. In a parliamentary body, **debate is necessary**, in order that there may be intelligent deliberation. Through discussion, error is exposed and truth elicited. Debate brings out facts, and the comparison of views indicates the right decision.

Debate: its value.

100. Debate, however, must be **subject to rules**, which will preserve order, give every member an equal opportunity to speak, and prevent a waste of time.

Subject to rules.

101. There **can not be debate** upon a question until it has been stated by the chair. Then the member must secure recognition before he is entitled to engage in the discussion.

When debate is in order.

102. The member who is first up and first addresses the chair is entitled to **recognition.** If the chair does not grant the floor to one so entitled, the members may protest that another spok first; and, if necessary, the vote of the meeting may decide the claim of priority, even over the judgment of the chair. **Order of recognition.**

When the chair hears two voices at the same instant, it is proper to give the preference to the person at the greater distance. By parliamentary courtesy, the mover of the proposition is usually recognized in preference to others, if he rises to speak. A member who has not spoken on the question has the preference over one who has made a speech on the same question.

103. The first rule of debate is **one at a time.** It is evident that two or more persons can not be allowed to debate a question at the same time; for that would tend to confusion, and prevent proper deliberation. **One at a time.**

104. While a member is discussing the question, he **can not be interrupted** except-

Interruption in debate.

ing by a point of order, the filing of a motion to reconsider, or by a question of privilege. He can not be interrupted by a question from the floor, unless he is willing to be interro-

Yielding the floor.

gated. He may yield for an interrogation or a motion to adjourn without losing his right to the floor.

105. Under common parliamentary law, a member is not permitted to

Number of times one may speak.

speak more than **once** on the same question, if any other person arises to speak, unless the meeting grants permission. Every new motion

On every new motion.

bearing on a subject is a new question, and, therefore, a member who has spoken on the main question may also speak to an amendment, or any

Parliamentary inquiries.

other debatable motion bearing upon the main question. Certain **parliamentary inquiries** do not rank as debate, and are not to be counted as a

speech against a member who desires to engage in the discussion.

106. The **time-limit** for a speech should be fixed by the body, and should be specified in the rules. **Time for debate.**

The period for debate upon any question may be limited by the body.

Debate may be cut off by a motion to lay on the table, or by the previous question.

It is within the power of the body to extend a speaker's time, or the time of the debate.

107. If debate has not been cut off as above, it may be **renewed**, even after the house has proceeded to vote, and at any time before the negative has been taken. In other words, up to the time "when, in point of fact, the question has been decided, and nothing remains but for the speaker to ascertain and declare the vote," the discussion may be renewed by any member rising to speak to the question. In such a case, the question would **Renewal of debate.**

stand as though no vote had been taken. Debate can not be renewed, however, after one has answered on a yea and nay vote.

108. A chairman of a committee, or the member representing a committee, is entitled to **close the debate** on the report, even after the previous question has been ordered.

The closing speech.

109. Stick to the question is the most important rule for the debater. If he wanders from the point, and brings in matters not pertinent to the question at issue, the chair, or the members, may compel him to confine himself to the question, or else desist from speaking.

Relevancy.

110. A member should never indulge in **personalities**, or use improper or offensive language. If he does, the chair should call him to order, or any member may make the point of order. The member should discuss facts and arguments, rather than persons. The house may

Improper language.

punish a member for indecorum in debate, as well as for other acts of impropriety.

111. If a point of order is made while a member is speaking, he must **suspend** his **speech** and take his seat, until the point has been decided. A point of order checks debate.

112. Members should be referred to by some **descriptive expression**, rather than by name; and officers should be referred to by their official titles. This is respectful, and is calculated to give dignity to the discussion. Style of reference.

113. Members who are not entitled to the floor should sit in **respectful silence**, and not interrupt the speakers by ejaculations or other remarks. Orderliness. Calls of "Question!" or cries of "Vote! vote!" when a member is speaking, are disorderly acts, which should not be tolerated, either by the chair or by the members. The **golden rule** is a good parliamentary law.

XI.

114. READY REFERENCE.

TABLE OF MOTIONS,* WITH SPECIAL POINTS RELATING TO THEM.

PREPARED BY REV. T. B. NEELY, D. D., LL. D.

(The figures appended to the motions refer to the figures prefixed to the observations, and indicate that the observation, with the corresponding number, applies to the motion. The numbers in brackets [ ] refer to the sections in the body of the work, where the subjects are more fully treated. These points are mainly exceptions to the general rules; and unless some peculiarity is indicated, the general rules apply. Thus, unless it is stated that a motion is undebatable, it will be understood that it can be discussed. With this table before him, one will be able, at a glance, to answer a vast number of important questions.)

OBSERVATIONS.

1. Can be made when another has the floor.
2. Is in order even after unannounced vote to adjourn.
3. Does not require to be seconded.
4. Undebatable.
5. Undebatable when another question is before the house.
6. Opens the merits of the main question to debate.
7. Opens the main question to debate only so far as is necessarily involved in the amendment.
8. Debatable only as to the propriety of the postponement.
9. Can not be amended.
10. Can be amended by altering the time.
11. Can not have any subsidiary motion applied to it.
12. Subsidiary motions applied to it do not affect the question interrupted.
13. Previous question applies to it without affecting other pending motions.
14. Requires a two-thirds vote.
15. Can not be reconsidered.
16. An affirmative vote on it can not be reconsidered.
17. Can not be renewed without intervening business.

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* In negative. † Must be made when question is first introduced, and before debate. ‡ When requiring immediate action. ½ Can be moved and entered on minutes, but can not interrupt business.

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